

TOWN BOARD MEETING
March 17, 2005 - 7:00 PM

The meeting was called to order by Supervisor Hundt at 7:02 p.m.

Salute to the Flag was conducted.

Emergency Exits were pointed out by the Supervisor.

Roll Call:

Councilman Devine	Present
Councilman Russell	Present
Councilwoman Doyle	Present
Councilman Carroll	Present
Supervisor Hundt	Present

PUBLIC HEARING ON LOCAL LAW # 1: AN AMENDMENT TO RESTRICTED PARKING CODE

Councilman Devine moved to adjourn to Public Hearing and after a second by Supervisor Hundt, it was voted for unanimously. Supervisor Hundt summarized Chapter 101 of the Code of the town of Amenia, Article III "Restricted Parking for Snow Removal". The proposed amendment would add a new Section with fines for violation, not to exceed fifty dollars (\$50). There being no further comment from the public, Supervisor Hundt moved to close the Public Hearing, Councilwoman Doyle seconded and it was agreed upon unanimously.

LOCAL LAW # 1 OF 2005: AN AMENDMENT TO RESTRICTED PARKING CODE

MOTION:	S/Hundt		
SECOND:	C/Doyle		
ROLL CALL:	C/Carroll	- AYE	C/Devine - AYE
	C/Doyle	- AYE	C/Russell - AYE
	S/Hundt	- AYE	

MOTION CARRIED 5 to 0.

SUMMER RECREATION

Since Jenn Parks was not in attendance, this discussion was postponed until a later date.

TECHNOLOGY FAIR

Margaret Swenseid gave an update on the Friday April 8 Technology Fair to be held at Silo Ridge. County Executive Bill Steinhaus will preside over the opening ceremonies and the admission fee has been dropped for all attendees. While attempting to put together a presentation for "Digital Government", Margaret came to realize that many town supervisors don't even have email. In Amenia we not only have email, but also have a website and a GIS system available. Orpha Thomas is working with the senior citizens to get them involved in the Chamber booth. There will also be a new booth for Agriculture with Les Hulcoop from the Cornell Cooperative Extension and Mark Doyle. A highlight of the event will be the announcement of the winner of the \$1000 scholarship.

DUPLICATE TAX BILL FEE

The Tax Collector, Gail Hermosilla, has requested authorization to charge a five-dollar fee to reprint tax bills for banks and large

institutions. This fee would not be imposed on individual taxpayers. After some discussion, Michael Hayes stated that such authorization would require a local law. The Tax Collector was instructed to return the unsolicited checks that had already been received from some financial institutions.

COMMUNITY DEVELOPMENT BLOCK GRANTS

Supervisor Hundt commented that the Bush administration budget has caused huge cuts in block grants and local town funding, and that many towns are passing resolutions to oppose these cuts. She then read the proposed resolution showing support for Community Development Block Grants, many of which have benefited Amenia in the past.

RESOLUTION # 13 OF 2005: SUPPORT FOR COMMUNITY DEVELOPMENT BLOCK

GRANTS MOTION: C/Carroll
SECOND: C/Russell
ROLL CALL: C/Carroll - AYE C/Devine - AYE
 C/Doyle - AYE C/Russell - AYE
 S/Hundt - AYE
MOTION CARRIED 5 to 0.

SALT SHED

Supervisor Hundt reported that good progress is being made on the salt shed; a capital reserve fund has been created and the land survey has produced positive results. The next step is to purchase the plans for \$9,000 and to hire an engineering firm to prepare the bid documents. Supervisor Hundt then read the resolution to that effect.

RESOLUTION # 14 OF 2005: SALT SHED PLANS AND BID DOCUMENT

PREPARATION
MOTION: S/Hundt
SECOND: C/Carroll
ROLL CALL: C/Carroll - AYE C/Devine - AYE
 C/Doyle - AYE C/Russell - AYE
 S/Hundt - AYE
MOTION CARRIED 5 to 0.

RECREATION BUDGET AMENDMENT

Supervisor Hundt read the resolution authorizing the transfer of funds to Recreation lines to cover the increase in the cost of the Millerton Recreation summer program (\$5,000) and the extra cost of bus transportation (\$825). Supervisor Hundt commented that it was the consensus of the board that since these increases were unexpected at the time of budget preparation, it was appropriate to use contingency funds.

Supervisor Hundt explained that as the Chief Financial Officer she had consulted the bookkeeper, the CPA and others about this situation. All of these people agreed that if money exists in a savings account (for example, the Parks & Recreation savings account), then expenses should be taken from that account. Contingency funds should be used for real emergencies.

RESOLUTION # 15 OF 2005: RECREATION BUDGET AMENDMENT

MOTION: S/Hundt
SECOND: C/Devine
ROLL CALL: C/Carroll - AYE C/Devine - AYE

C/Doyle - AYE C/Russell - AYE
S/Hundt - NAY
MOTION CARRIED 4 to 1.

TINA MURPHY - PEDDLER'S PERMIT

Tina Murphy has requested a peddler's permit for a food concession stand on the north end of the DDSO site. Michael Hayes explained that under Town permit law, one does not have to be a veteran to obtain such a permit. However, if the stand is to be set up on a State right-of-way, then non-veterans need State permission. Non-veterans do not need State authorization if the site will be adjacent to a State right-of-way, but not within it. Tina Murphy described the site and explained that many peddlers had used this site in the past, not all of whom were veterans. Michael Hayes stated that chapter 88 section 5 of the Town Code lists 13 requirements to obtain a peddler's license. He also said that he would work with the Town Clerk who is responsible for issuing the permit.

WASTEWATER AGREEMENT WITH SILO RIDGE

Michael Hayes announced that he planned to meet with the Silo Ridge attorney next week to finish the draft agreement.

BERLINGHOFF AND MILES

Michael Hayes reported that in the Berlinghoff case, a required document (the terms of agreement of the settlement in front of Judge Dolan last year) has been drafted and is being circulated for signatures. The Miles situation should be discussed in Executive Session since it involves litigation.

POLICY FOR FILLING VACANCIES ON BOARDS

Michael Hayes stated that the only standard for eligibility is that a person's domicile be within the Town. A few years ago, the Town Board enacted an internal policy to interview people for vacancies on standing committees. There followed some discussion about the need for an established policy to ensure that all vacancies are treated the same. Councilman Devine was in favor of an automatic renewal of any expired term, if the incumbent was willing to continue to serve. That was the procedure used during his eight years on the Zoning Board of Appeals. Councilwoman Doyle said that it would be helpful to allow all citizens to get involved and to apply for any vacancy. She also noted that the interview with Bill Flood (whose term had expired) had been informative and gave the board a chance to express their appreciation of his service. Supervisor Hundt expressed her opinion that, in the interest of open government and fairness, a board member should not be re-appointed just because they had served. She suggested that a policy be drafted to clearly set out the procedure.

TOWN STORAGE - IMMACULATE CONCEPTION SCHOOL

By way of background, Supervisor Hundt reiterated the need for storage space not only for Town Hall records but also for the Amenia Historical Society. Immaculate Conception School has some rental space that may be appropriate. Councilman Devine met with Fr. Durkin and discussed an indemnity document to protect the church should someone get hurt while looking for a record. Michael Hayes noted that for "general town records" we need the

permission of the Commissioner of the Department of Education and we must meet those criteria (unpublished). For "Town Court records" we must get permission from the Office of Court Administration (OCA) and follow their criteria. Judge Moore should contact OCA; Supervisor Hundt and the Town Clerk should contact the Department of Education to get a letter saying that the school is an acceptable storage facility.

Michael Hayes then clarified the definition of "indemnity": If a person gets hurt looking for a record and the church is sued, the Town would step in and reimburse the church. The Town insurance policy would allow the church to recover expenses from the Town. A "hold harmless" agreement is standard in such cases.

EMPIRE ZONE

Supervisor Hundt announced that the annual assessment for Amenia's participation in the Empire Zone was \$16,000 this year. Since 2002 when Amenia first joined the Empire Zone, the property owner who benefited from it, Alan Shope, has paid the annual assessment. How is the annual assessment calculated? The first year our assessment was only \$6,000. Michael Hayes noted that as long as the town is indemnified, it does not affect our budget. It is OK if the property owner pays, but the county gets a commitment from the town. There followed some discussion of the benefits of the Empire Zone to both the property owner and the town. Supervisor Hundt commented that we need documents to protect the town.

WEBMASTER

Supervisor Hundt reported that the Technology Committee had selected and interviewed four candidates for the position of Webmaster. The recommendation was to hire Fred Shakeshaft from Wassaic who is extremely qualified. He will be hired for \$25 an hour with a maximum of \$200 a month.

HIRE FRED SHAKESHAFT FOR WEBMASTER

MOTION: S/Hundt
SECOND: C/Devine
ROLL CALL: C/Carroll - AYE C/Devine - AYE
C/Doyle - AYE C/Russell - AYE
S/Hundt - AYE
MOTION CARRIED 5 to 0.

RECREATION DIRECTOR - UPDATE

We have received at least three applications so far and would like to hire someone by next month.

RECREATION PLAN ARCHITECT

Supervisor Hundt explained that a Recreation Plan is needed before we can raise subdivision fees that have not been changed since 1974 and are much too low. John Ryan is available to prepare the plan and appears to be the best person to do the job.

HIRE JOHN RYAN TO PREPARE RECREATION PLAN

MOTION: C/Carroll
SECOND: C/Russell
ROLL CALL: C/Carroll - AYE C/Devine - AYE
C/Doyle - AYE C/Russell - AYE
S/Hundt - AYE
MOTION CARRIED 5 to 0.

EASTER EGG HUNT - AUTHORIZE EXPENSE

The Annual Easter Egg Hunt will be held on Saturday March 26 at the Amenia Fish and Game Club. Expenses are not to exceed \$250.

EASTER EGG HUNT - AUTHORIZE EXPENSES NOT TO EXCEED \$250

MOTION: S/Hundt

SECOND: C/Carroll

ROLL CALL: C/Carroll - AYE C/Devine - AYE
 C/Doyle - AYE C/Russell - AYE
 S/Hundt - AYE

MOTION CARRIED 5 to 0.

APPROVAL OF MINUTES

The Town Clerk requested that the board approve the minutes (as amended at the workshop last week) from four town board meetings.

APPROVAL OF MINUTES FROM 1/07/05, 1/20/05, 2/08/05, 2/17/05

MOTION: C/Carroll

SECOND: C/Russell

ROLL CALL: C/Carroll - AYE C/Devine - AYE
 C/Doyle - AYE C/Russell - AYE
 S/Hundt - AYE

MOTION CARRIED 5 to 0.

TOWN CLERK STATUS REPORT

After two months in office, Town Clerk Gail Hermosilla gave a detailed status report (attached).

NOTARY PUBLIC

As part of the Town Clerk status report, Gail Hermosilla expressed her interest in taking the preparation course and the exam to become a Notary Public. Councilwoman Doyle moved to authorize expenses coming from the contingency fund, not to exceed \$300, to cover the cost of the class and the exam.

NOTARY PUBLIC - AUTHORIZE EXPENSES UP TO \$300

MOTION: C/Doyle

SECOND: C/Russell

ROLL CALL: C/Carroll - AYE C/Devine - AYE
 C/Doyle - AYE C/Russell - AYE
 S/Hundt - AYE

MOTION CARRIED 5 to 0.

HIGHWAY DEPARTMENT

Supervisor Hundt thanked Stan Whitehead and the Highway Department for a great job on clearing the roads.

CONSERVATION ADVISORY COUNCIL (CAC)

Elizabeth Whaley gave a detailed report on the many accomplishments of the CAC. (attached). Afterwards, the board thanked Elizabeth Whaley and Dave Reagon for all their efforts and hard work.

ENHANCEMENT COMMITTEE

Councilman Carroll reported that the Enhancement Committee is looking into a parking lot for the Rail Trail on old Route 22

where the state garage used to be. This area could accommodate 60 - 80 cars. Councilman Carroll will talk to the neighbors.

SUPERVISOR'S REPORT

1. Mowing bids are due by noon on March 24. Be advised that the bid specification omitted the Amenia Day Nursery property.
2. A Trail-a-thon fundraiser will be held on April 23 with proceeds also going to the PTA. Meet at Coleman Station or Amenia trail head.
3. Baseball registration begins Saturday March 19 from 10:00 to 12:00 at Town Hall. Sign up continues until early April.
4. St. Thomas Church of Leedsville has applied for the National Register of Historic sites and is currently being reviewed.
5. Harlem Valley Partnership (HVP) is setting their agenda for next year and has given survey forms to the Town Board asking how the HVP can help Amenia. Councilwoman Doyle suggesting having the HVP write grants to improve downtown. We should focus on areas where Amenia has a competitive edge. Also, collaborative efforts (such as with the HVP) are looked upon favorably when grant applications are awarded.
6. The Association of Towns conference in New York City was a valuable experience. The supervisor attended sessions on open space protection, zoning, etc.
7. The Old Amenia Landfill settlement is being worked on by 13 attorneys. It will be costly.

TOWN BOARD COMMENTS

1. Councilman Carroll announced that the engineer for Maxon Mills would accompany the town engineer on an inspection of the premises. However, Mike Segelken said that the Maxon Mills engineer had not returned his phone calls to set up a time for the inspection. Michael Hayes said that he would talk to the Maxon Mills attorney with the possibility of going to court if necessary.
2. Councilwoman Doyle reported:
 - a. A \$10,000 grant has been obtained to hire Joel Russell to write the zoning laws to support our Comprehensive Plan.
 - b. Amenia Monarchs - a certificate has been faxed to allow them to use the town ball fields.
 - c. Webutuck Booster Club requested permission to hold a fund-raising coin toss on a state road, which is not legal. However, this could be done on a town road.
 - d. A sign is needed on Route 22 going north to inform drivers that they are entering the Town of Amenia. This requires a letter to the Regional Traffic engineer at the NYS Department of Transportation, but there is no charge.
 - e. The Enhancement Committee is planning a clean-up on April 16 (rain date, April 17). Trash bags will be placed on the tennis courts and the highway staff will get rid of them.
 - f. Recreation Committee savings account funds are unclear since the account contains both cell tower proceeds and subdivision recreation fees (about \$9,400). The subdivision fees are restricted for capital projects,

but the cell tower proceeds are not. Michael Hayes suggested segregating the subdivision fees into a restricted capital reserve fund. Subdivision legislation allows developers to pay money in lieu of providing recreational facilities or open space. No vote is needed to create a savings account.

PUBLIC COMMENT

1. Peter Clair thanked the board members for approving the use of contingency money for the Recreation Committee unanticipated expenses. He then went on to discuss various conversations he had with town board members related to recreation expenses and funding. He also reviewed some of the activity that took place during the budget preparation period and the confusion about the timing of the contract from Millerton (stating that the cost of the summer program was increased). He also stated that the Recreation committee was never informed that they had less than \$29,000. At this point he expressed his appreciation to Councilman Carroll for his efforts to get himself (Pete Clair) and Jeanne Rebillard to come back to the Recreation Committee. Peter continued with various remarks about trust and accusations against town board members. He also specifically asked Supervisor Hundt and Councilwoman Doyle if they had met with Silo Ridge and discussed the purchase of Allen's Sand and Gravel with them, the latter to be donated to the town for recreation purposes.

Peter then stated his opinion that the Recreation Committee is not a committee but a commission, created in 2002. Commissions may authorize expenditures and are responsible for their own budgets, hiring of employees, etc. Peter next announced that since recreation is a commission, he resigned from the Recreation Committee but is still part of the commission of 4 members (plus 3 vacancies). He then presented to the Town Board the "Rules of Commissions".

2. Anne Sanford asked several town board members if they knew the difference between a commission and a committee. The town board members responded 'no'.
3. Councilwoman Doyle requested permission to respond to the comments of Peter Clair. She noted that there are always fewer resources than requests from committees and that the hardest part of being on the town board is saying 'no'. Although budget worksheets from the Recreation Committee were missing, she worked with Peter Clair and got them completed at the last minute. Councilwoman Doyle went on to clarified the timing of the arrival of the Millerton Recreation bill.
4. Michael Collins reminded the town board that he had asked them two weeks ago for the amount of money spent by the Enhancement Committee, but had not received a reply. He made additional comments related to the cost of the budget preparation.
5. Katherine Dunlop expressed her wish that the budget talk would end soon as Amenia is getting a bad reputation around the state. We need to get some positive stuff going. Every town board member was responsible for the budget and the public should not think that just one person is responsible.

6. Evelyn O'Connell read a petition requesting the resignation of Supervisor Hundt for violating town law by having overdrawn line items and for not following the laws of the State of New York and thus violating her oath of office. The petition was presented to the town board.
7. Anne Sanford pointed out that the budget misunderstanding this year had occurred in previous budgets under previous administrations.
8. Dennis Rooney reported in great detail his own budget calculation. According to his calculations, the budget increase this year can be attributed to increases in the State retirement fund, the salt shed, and Highway Department expenditures. According to his calculations, the real budget increase was only about 13%.
9. Councilman Devine commented on a \$200,000 windfall that came to the town as a result of increases in mortgage tax income as homeowners refinanced their homes to take advantage of low interest rates. That windfall probably will not occur again this year.
10. Pat Goodacre asked the board how much longer the town was going to give Sharon Kroger to resolve the Maxon Mills situation. Councilwoman Doyle explained the legal requirements of getting access to the property.
11. Orpha Thomas painted a vivid picture of the effect of the property tax increase on the low-income senior citizens of Amenia, most of whom live in the town's five trailer parks. Seniors have difficulty meeting their heating bills and their medication bills. By 2008, Amenia will have 3% more senior citizens than we presently do.
12. Dan Kilmer asked why no one was complaining about the 74% increase in the county tax that was really hurting taxpayers.
13. Elizabeth Whaley, responding to prior accusations against the board, said that she appreciated the open meetings that we now enjoy. In terms of the budget, it had been mishandled by previous administrations. She ended by applauding Supervisor Hundt for the good job she is doing.
14. Betty Rooney commented on how disturbing Orpha's remarks (concerning the plight of senior citizens) were. There are so many things that need to be done in this town; tax increase is only part of the problem. Betty Rooney observed that if people, who were going around getting signatures, would work for constructive things, Amenia would be looking pretty good.

ADJOURNMENT

The motion to adjourn was voted for unanimously.

Meeting was adjourned at 9:46 p.m.

Respectfully submitted,

Gail Hermosilla,
Amenia Town Clerk

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Town Clerk Status Report
March 17, 2005

Introduction:

For the town residents who don't know me, I am Gail Hermosilla and I was appointed Town Clerk on January 7, 2005. After two months in office, I would like to give a status report on the condition of the Town Clerk's Office and our plans for the future. This will be more detailed than the monthly status reports that I give at each Town Board meeting.

A. Executive Summary

The bottom line is that the Office of Town Clerk was in good shape when I was appointed. There were established procedures for the many functions for which the office is responsible and the day-to-day operation was running smoothly. The Deputy Town Clerk, Patty Barron, has a thorough understanding of all the functions of the office and is very efficient in performing her duties. I would publicly like to thank Patty for her efforts that made my transition into the new job much easier.

B. Details of selected functions

I would now like to highlight some of the major functions of the Town Clerk's Office and give the status of each:

1. Taxes.

Taxes is an obvious place to start since we just finished collecting them. The procedure for processing taxes was well established but labor intensive. After consultation with the school tax collector and with the bank, I have been able to eliminate 2 redundant steps. (We no longer alphabetize the coupons and we no longer record the name of each taxpayer on the bank deposit slip.) These procedural changes make the operation more efficient with no loss of accountability.

2. Minutes.

Keeping the minutes of all Town Board meetings and all "special" meetings is one of the basic duties of the Town Clerk. When I assumed office, the historical files of Town Board minutes were incomplete. We are now working to recreate the minutes to have a more complete historical record.

3. Resolutions.

Another basic duty of the Town Clerk is to maintain a complete set of all resolutions that were passed, with a signed copy of each resolution on file. There are multiple copies of each resolution but only one "official" signed copy, which did not always make it back to the Town Clerk. Therefore, I have now started to circulate the Resolution for signatures at the far end of the table, so that the signed copy always ends up with the Town Clerk.

4. FOILS.

Responding to Freedom Of Information Law requests (FOILs) is an important function of the Town Clerk's Office and a critical tool for the community to get the information they need to ensure that town government is operating responsibly. It has been my observation that the response time for FOILs varies, due primarily to the workload of the office that must produce the records. To ensure that no FOIL requests "fall through the cracks", we are instituting a FOIL Tracking system. Each FOIL will be assigned a unique tracking number that can be referenced by the requestor, to determine the status of their FOIL.

5. Handicap Parking Permits.

Another responsibility of the office of Town Clerk is to renew parking permits for persons with permanent disabilities. The renewal process is very simple and does not require a doctor's approval since we already have the information on file. Unfortunately, those files were not well organized and the back-up doctor's approval could not always be found. Patty and I are now re-organizing those files to ensure that we can always locate the back-up information.

6. Dog Licenses.

Dog owners must renew their dog's license every year with the Town Clerk who transmits the information to the State. In the past, this data was sent via floppy disks, which are often unreliable. In fact, when I took office, the State was missing several months of data from last year. Thanks to the decisions of this Town Board and the efforts of the Technology Committee, Town Hall is now wired for high-speed Internet access and every office has email. So, using these new technologies and working with the State, I was able to change the procedure so that dog license data is emailed to the state. This has greatly improved the reliability of reporting this data.

C. Future / Areas for Improvement.

1. Procedure Manual.

Although the procedures for the Town Clerk's office existed, they were not documented. Patty and I are currently working on a Procedure Manual that will document in detail the procedures for all the routine functions of our office. This will be a great help not only to Patty and me, but will also facilitate any future audit of our area.

2. Training.

For the past 2 months, I have been involved in on-the-job training, along with attending a training session in New York City. There is a special Town Clerks training held every April and I would request that money be put in the budget next year for this training. I also plan to do some benchmarking visits to other Town Clerk offices in the county, to continue my training.

3. Notary Public.

I believe it would be a service to the community if someone in Town Hall were a Notary Public. I am willing to take the course and the exam, if the Town Board were to authorize it.

4. Bank Reconciliation.

The bank reconciliation for the Town Clerk checking account is not up-to-date. We will be working with an accountant to resolve this situation.

Summary

In summary, I would again like to thank both Patty Barron and the Town Board for their help in making my transition into the position of Town Clerk a smooth one. If anyone either on the Town Board or in the community has suggestions for how we can improve our service, please do not hesitate to contact us. Thank you.